

# SYNTHESIS ON THE 12<sup>TH</sup> SESSION OF THE EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

15<sup>th</sup> July – 19<sup>th</sup> July 2019, Geneva

The summary notes are reports of the most important UN meetings on indigenous rights and are issued twice a year. They are only available in an electronic version and sent by email.



*Preliminary notice to this Synthesis:*

*This summary is based on the notes taken during the conference, the statements collected by Docip services and the rolling speakers' list of the conference. However, the notes only reflect the statements that have been delivered. The sessions that dealt with the agenda items of the [programme of work](#) of the twelfth session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) are detailed, along with side-events. Unfortunately, three side events are missing among the summaries due to a lack of human resources to document them: “Participation of Indigenous Peoples to the United Nations and its Human Rights Council organized by the Permanent Mission of Norway”, “Global Project and Campaign to Address and Prevent Criminalization and Impunity Against Indigenous Peoples” on Tuesday 16 July, and “Indigenous Tourism as a powerful tool to support indigenous rights” on Friday 19 July. I*

*This document uses abbreviations, the index of which is available in Annex I.*

## **1. Executive Summary**

This twelfth session of the EMRIP was the third to take place since the adoption of the [solution 33/25](#) by the Human Rights Council (HRC) that revised the mandate. This new mandate provides the members of the EMRIP with new capacities, including the ability to engage with the private sector, to advise states on the implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) upon request, to engage with the Universal Periodic Review (UPR) and the treaty bodies process and to establish an enhanced cooperation with the National Human Rights Institutions (NHRIs), to name a few. The EMRIP is now composed of seven expert members that represent the seven socio-cultural regions, as decided by indigenous peoples: Mr. Belkacem Lounes from Algeria (2021), Mr. Edtami Mansayagan from the Philippines for Asia (2020), Ms. Erika Yamada from Brazil for Latin America and the Caribbean (2022), Ms. Laila Vars from Norway for the Arctic (2020), Mr. Rodion Sulyandziga from the Russian Federation for Russia, Eastern Europe and Transcaucasus (2022), Ms. Kristen Carpenter from the USA for North America (2021) and Ms. Megan Davis from Australia for the Pacific (2022).

Overall, this session brought the new EMRIP mandate to light, with an innovative panel on indigenous women in power. The agenda items that received the most reaction were on the study on indigenous

peoples' rights in the context of borders, migration and displacement and the study on recognition, reparation and reconciliation, as well as the panel on indigenous women in power.

The complete list of proposals to be submitted to the HRC can be found in the last page of this synthesis.

## **2. Details**

*Monday, 15 July*

- Opening of the session, and organization of work

The session opened with **Mr. Sergio Joel Rojas, Qom from Argentina**, performing a traditional song. Then **Mr. Howard Thompson, Mohawk from Canada**, conveyed a spiritual message by calling on the importance of Mother Earth and reminded us of its influence for every living being on Earth. **The President of the Human Rights Council, H.E. Coly Seck**, welcomed the delegates present in the room and moreover recognized the importance of indigenous participation in the UN. With regard to the International Year of Indigenous Languages he declared that the HRC has accepted it and will include this topic in its work. He stated that the mandate of the EMRIP remains an important tool to provide a space for dialogue between indigenous peoples and other governmental mechanisms. **The Chief of the Rule of Law, Equality and Non-Discrimination Branch Office of the High Commissioner for Human Rights, Ms. Mona Rishmawi**, welcomed the delegates in the room in tamazight in order to celebrate the International Year of Indigenous Languages. She then said that the OHCHR supports the idea of having a decade on indigenous languages. She also underlined the lack of dignity that indigenous peoples are facing in the context of migration and borders. She thus urged states to respect their duty to protect the right to life, including to a decent life ensuring that indigenous peoples are not left behind. She finally encouraged indigenous peoples and states to request and accept the EMRIP's country engagement mandate, in order to fully implement UNDRIP through National Action Plans or capacity building, for example. **Ms. Erika Yamada, member of the EMRIP**, thanked Ms. Mona Rishmawi for her support on the promotion of a decade on indigenous languages. She also expressed her appreciation towards the OHCHR commitment to the advancement of the rights of indigenous peoples.

- Election of officers

**Ms. Laila Vars**, on behalf of the **members of the EMRIP**, nominated **Ms. Kristen Carpenter** as **Chair** of the EMRIP 12<sup>th</sup> session and **Ms. Megan Davis** and **Mr. Edtami Mansayagan** as **Vice-Chairs**.

In her introductory statement, **Ms. Kristen Carpenter, Chair of the EMRIP**, thanked the **members of the EMRIP** and acknowledged the work of Ms. Erika Yamada for her work as the previous Chair. She then welcomed the new **members of the EMRIP** Mr. Belkacem Lounes and Mr. Rodion Sulyandziga and the delegates in the room. She next introduced the latest work conducted by the EMRIP, including its study and its first country engagement mission of this year in New Zealand. She finally spoke about the seminar hosted by EMRIP in Chiang Mai, Thailand, on the rights of indigenous peoples in the context of migration, borders and displacement.

- Adoption of the agenda and organization of work

**Mr. Craig Richie, Head of the Australia Institute of Aboriginal and Torres Strait Islander Studies and Member of the Steering Committee for the International Year of Indigenous Languages**, highlighted the importance of indigenous languages as a fundamental component of linguistic and therefore human rights. However the insufficient attention on and support for indigenous languages and cultures has led to the discrimination and exclusion of indigenous peoples. In relation to the outcome document, in his opinion, it should (1) set up the case on why indigenous languages are important and why we need to step up efforts to protect, preserve and revitalize them, (2) set aspirational goals in order to show which is the path that all should follow individually, collectively, nationally and internationally, (3) provide a set of recommendations in a substantive and meaningful way over the next decades. **Ms. Aili Keskitalo, President of the Sámi Parliament in Norway and Member of the Steering Committee for the International Year of Indigenous Languages**, addressed the audience in Northern Sámi. She highlighted the importance for indigenous peoples to speak in their mother tongues, as their languages are at the center of their culture, livelihood and homelands. She moreover asked UN member states, UN agencies, scholars and others organizations to collaborate with indigenous peoples in order to protect, promote and revitalize indigenous languages, by establishing a decade on it, for example. She also expressed her wish to see indigenous languages being included in technology communication. **Ms. Irmgarda Kasinskaite, Programme Specialist at UNESCO**, pointed out the role of indigenous languages as a source of solutions to contemporary challenges. She then referred to the events that happened during the celebration of the Year of Indigenous Languages, such as academic conferences, intergovernmental meetings, capacity building workshops, musical performances, etc. Furthermore, she talked about the outcome document, which will be launched at the end of the year. Lastly, she encouraged states and civil society to continue the implementations of activities that protect, promote and revitalize indigenous languages.

- Study on indigenous peoples' rights in the context of borders, migration and displacement

**Ms. Kristen Carpenter, Chair of the EMRIP**, introduced the EMRIP study on Indigenous Peoples' Rights in the Context of Borders, Migration and Displacement. This subject was chosen due to the lack of documents on it. She then explained that the term "migration" also refers to the nomadic way of life of some indigenous peoples such as the Amazigh people in northern Africa or the Sámi People in the Arctic region. The study underlined the socio-economic factors that lead to forced migration, such as poverty, lack of lands, unemployment, inequality and access to health care. She expressed her concerns towards the events happening at the US borders, in particularly regarding the separation of children from their parents. She finally recommended states to ensure the protection of indigenous peoples on the move.

The following **states** made statements. **The Russian Federation** corrected some elements mentioned in the EMRIP's study which do not reflect the situation on the ground, such as the fact that indigenous peoples represented by a small number of individuals are also recognized in its Constitution. **Australia** spoke about the Australian Treaty 1985 as a good example, since it regulates the common maritime border shared with Papua New Guinea and allows free crossing of the inhabitants without a passport or visa. **Brazil** expressed its support to indigenous peoples from Venezuela, who are fleeing the humanitarian crises in Venezuela. **New Zealand** repeated its commitment to work with Māori people. **Canada** recognized the challenges faced by indigenous peoples in the context of borders and reiterated its wish to

work with indigenous peoples to face it. **The Plurinational State of Bolivia** recommended the use of the EMRIP study in order to face the displacement challenge that indigenous peoples are suffering from. **Ecuador** expressed its concern about the humanitarian crisis happening in South America and its effects on migrants. **Guatemala** encouraged all the states to follow the recommendations presented in the EMRIP study.

**Several indigenous** organizations expressed their views on this agenda item. The **Sámi Parliament in Finland, Norway and Sweden, as well as the Sámi Council** spoke about the negotiations that Sámi people are having with Norway, Finland and Sweden to reach an agreement on the Nordic Sámi Convention that will harmonize their legislation. The **Crimean Tatar Resource Center** denounced the forced displacement and violence being held against Crimean Tatar people and suggested that Ukraine adopt a law that will protect indigenous peoples. The **New South Wales Aboriginal Land Council** recommended that states implement policy and legislative regimes, in partnership with indigenous peoples, that uphold the right to life, physical and mental integrity, liberty and security and the right to remain on their traditional lands and territories. **Assemblée des Arméniens d'Arménie** underlined that the migration or displacement of indigenous peoples is related to the loss of their traditional way of life. **Mekong Minority Foundation** spoke about the dangerous working conditions faced by migrant indigenous workers in Thailand. **AIPP** pointed out the forced displacement that indigenous peoples are suffering in Asia. The **International Indian Treaty Council** reported the crisis occurring in Arizona at the borders of Mexico, where indigenous migrants are being constantly threatened and assaulted by US armed forces. **ICCA Consortium** underlined the importance of migration for indigenous nomadic pastoralists and encouraged states to support their way of life. **Asociación de Mujeres Abogadas Indígenas** explained how Guaraní People in Argentina, Brazil, Paraguay and Peru are forced to live in reservations, and how that negatively impacts their traditional way of life. The **National Indigenous Disabled Women Association in Nepal** called upon the government and other agencies to provide social services for indigenous women and indigenous disabled peoples, who are suffering forced displacement by mining companies. The **US Human Rights Network and the Continental Network of Indigenous Women in the Americas** denounced the violations perpetrated against indigenous women and children at the US borders, and advised the EMRIP to add information about the massive imprisonment of indigenous migrants in its study. The **Kairuru community development association ltd incorporated**, the **Papua Native Land Rights association incorporated** and the **Papua Native Landrights Assoc. LTD** denounced the land grabbing that is currently happening in Papua New Guinea and ask for the recognition of their territorial rights. **Misión Permanente Mapuche ante las Naciones Unidas** recommended that Argentina and Chile fully accept the Mapuche people's right to self-determination. **Association DERWAN du Burkina Faso** expressed its worries towards the violence perpetrated against indigenous peoples and the precarious conditions they are living in. **Torang Trust** spoke about land rights grabbing going on in India and its implication on indigenous women's way of life. The **Solomon Island Development Trust** spoke about climate change and its consequences, such as the migration of indigenous peoples. **Fundación paso a paso, Red global de personas indígenas con discapacidades** spoke about the difficulties faced by disabled indigenous persons in the context of migration and the necessity to fully protect their rights. The **Bangladesh Indigenous Peoples Forum and Kapaeeng Foundation** suggested the government to stop the forcible migration of indigenous peoples from their lands and enact the "Indigenous Peoples' Rights Protection Act". **The Amazon Frontlines** pointed out the challenges faced by Siekopai people at the borders of Ecuador and Peru and of Ecuador and Colombia to provide for their community as they cannot cross borders. **The Indigenous World Association** recom-

mended that the EMRIP study reflect effective measures to implement the right for indigenous peoples, divided by international borders, to maintain and develop relations across borders. **The Interregional Public Movement of Komizhentsy-Izvatas** advised the Russian Federation to work with organizations which are preserving the traditional knowledge of indigenous peoples. **Mesa Articulación Indígena del Paraguay** suggested that Paraguay implements the recommendations made by the Special Rapporteur in order to improve indigenous peoples' rights. **ACAL-AZUL** denounced the fact that Morocco stole lands from the Amazigh people, who are forced to migrate in dangerous conditions. **Batwa organization** explained how the Batwa people in Rwanda are being marginalized and are living in precarious conditions. **Maloca International** spoke about the effects of the humanitarian crisis on the Wayuu People in Venezuela. **AIPP** recommended that the EMRIP (1) ensures the legal recognition of indigenous peoples' traditional land tenure and resource management, (2) stops the military interventions in indigenous territories, (3) stops resettlement and transmigration programmes, and (4) prevents forced out migration of indigenous peoples. The **Métis National Council** reiterated its wish for the appointment of a Special Representative in consultation with indigenous peoples.

**Non-indigenous organizations** took the floor. The **Structural Analysis of Cultural Systems** spoke about the prohibition of hunting that has been decreed to indigenous peoples living at the border of Brazil and French Guiana. **The Leuphana University** urged states to act in the context of the humanitarian crisis in Venezuela.

**Several experts** reacted to the discussions that took place. **Ms. Anne Nuorgam, Chair of the Permanent Forum**, highlighted the forced migration faced by indigenous peoples, which is in relation to numerous challenges such as poverty, climate change, armed conflict, land dispossession, etc. She also emphasized that neither their right to Free, Prior and Informed Consent nor the UNDRIP are being respected. **Mr. Rodion Sulyandziga, member of the EMRIP**, underlined the need to differentiate forced migration from the nomadic way of life of many indigenous peoples. In his opinion, the main threat in the context of migration is a violation of their traditional way of life. He also pointed out the non-negligible role of climate change in these displacements. **Ms. Erika Yamada, member of the EMRIP**, said that the EMRIP needs to guarantee that a human rights perspective is given to indigenous populations in the process of implementing the UN Global Compact programme. **Mr. Belkacem Lounes, member of the EMRIP**, mentioned that indigenous peoples were present on the lands long before state borders were established. **Ms. Laila Vaars, member of the EMRIP**, explained how voluntary migration can be a choice for indigenous peoples if they are protected by human rights laws. Nevertheless, as she pointed out, many indigenous peoples are not able to do so, which is a violation of their right to self-determination.

- [Human Rights Council](#)

The **President of the United Nations General Assembly, Ms. María Fernanda Espinosa Garcés**, underlined the importance of the participation of indigenous peoples. She furthermore recognized the crucial role of the EMRIP, the Permanent Forum and the Special Rapporteur in moving forward. **Mr. Paulo David, Chief of Section at the Office of the High Commissioner Human Rights**, emphasized the responsibility to remain committed to the UNDRIP and therefore the relevance of indigenous peoples participating to the HRC. He then encouraged member states to include indigenous peoples in their decision making. **Ms. Myrna Cunningham, Miskita from Nicaragua and Member of the Board of Trustees of the UN Vol-**

**untary Fund for indigenous peoples**, talked about the improvements that happened since the first participation of indigenous peoples at the UN. However, she pointed out that the participation of LGBTQ indigenous peoples continues to be difficult. She moreover suggested that states continue funding the Voluntary Fund, in order to increase their participation in key UN meetings and mechanisms. **Mr. Kenneth Deer, Mohawk from Canada**, explained how the HRC has always been difficult for indigenous peoples, especially because of the time assigned. He also highlighted that indigenous peoples are not at the UN to advocate for NGOs but to represent their peoples. He furthermore insisted that the HRC should implement a process of true representation of indigenous peoples in the human rights system. **Ms. Terhi Hakala, Ambassador of Finland**, also spoke about measures taken in order to enhance the participation of indigenous peoples in the HRC. She reiterated Finland's support of the Voluntary Fund and of indigenous peoples' participation in the HRC programme. **Ms. Erika Yamada, member of the EMRIP**, also encouraged member states to facilitate the participation of indigenous peoples in the HRC by funding the Voluntary Fund or by facilitating the reading of their statement. She finally asked states to respect the UNDRIP.

A few **states** expressed their views under this agenda item. **The European Union** reiterated its support of the participation of indigenous peoples to the Human Rights Council. **The Nordic Countries (on behalf of Sweden, Finland, Iceland, Norway, Greenland and Denmark)** encouraged the Council to facilitate the participation of indigenous peoples. **Canada (on behalf of New Zealand and Australia)** also underlined the crucial importance of enhancing the participation of indigenous peoples to the Council. **Mexico** highlighted the need to recognize indigenous peoples' rights in order to achieve Agenda 2030. **The Plurinational State of Bolivia** repeated its commitment to indigenous peoples. **Brazil** said that the decisions taken in New York should be applied to the whole UN system, including the HRC. **Peru** expressed its conviction that indigenous peoples should participate in the Council. **The Bolivarian Republic of Venezuela** expressed its desire to make additional efforts in order to strengthen indigenous peoples' participation. **Pakistan** also supported the participation of indigenous peoples.

**Indigenous organizations** also took the floor. The **International Indian Treaty Council** asked states to recognize the participation of indigenous governments and representative institutions to the HRC. **AIPP** expressed its frustration with how indigenous peoples are being selected to participate in UN conferences and mechanisms. **The Indigenous World Association** said that the Haudenosaunee Confederacy as a government should be able to address the HRC as their own representative institution. **Conselho Indigenista Missionário – CIMI** pointed out the difficulty of obtaining an ECOSOC status at the UN. The **Native American Rights Fund** and the **National Congress of American Indians** recommended that the Council fully recognize the participation of indigenous peoples' representatives and institutions. The **Sámi Council** denounced the very selective participation criteria of the HRC, which excludes indigenous institutions. **The Inuit Circumpolar Council** recommended that the HRC establishes modalities on the participation of indigenous peoples' representatives and institutions in its meetings, procedures and programmes. The **New South Wales Aboriginal Land Council** recommended that the HRC (1) establishes ongoing regional focal points to ensure participation and decision-making of indigenous peoples, (2) builds capacity through these regional focal points, (3) conducts a comprehensive study to investigate inequity in the current arrangements for indigenous peoples, and (4) initiates a study to investigate the risk factors that influence the well-being of indigenous peoples with disabilities. **The Métis National Council** pointed out that in relation to their will for self-determination, indigenous peoples should have access to the HRC.

**Another organization** expressed its views. The **Structural Analysis of Cultural Systems** suggested that states focus on indigenous elders.

**Ms. Anne Nuorgam, Chair of the Permanent Forum**, reminded states to look at indigenous peoples as representatives of their culture and not as NGO's. Therefore, she asked them to facilitate their participation in the HRC.

**The panelists** closed the session. **Ms. Myrna Cunningham** noticed that accreditation remains a problem for indigenous peoples; measures should therefore be taken to make it more flexible. She moreover said that it is vital to consider the recommendations concerning the candidatures of the Voluntary Fund and to acknowledge the written statements in the consultations. **Mr. Kenneth Deer** expressed his concerns about the "good faith" of states in relation to the implementation of the UNDRIP and the participation of indigenous peoples. **Ms. Terhi Hakala** said that a compromise needs to be reached. **Ms. Erika Yamada** explained how the presence of indigenous peoples at the UN makes the understanding of their issues more realistic.

*Tuesday 16 July*

- Intersessional activities and follow-up to thematic studies and advice

**Mr. Edtami Mansayagan, member of the EMRIP**, introduced the session by updating the audience about the studies made by the EMRIP. He then spoke about the seminar that the EMRIP held in Chiang Mai, Thailand.

**States** expressed their views. **Brazil** declared that the Brazilian Federal Constitution is superior to UNDRIP. **Guatemala** explained the measures that have been taken to improve indigenous peoples' rights. **Australia** reiterated its wish to engage with indigenous peoples on decisions that affect them.

The representatives of the following **indigenous organizations** also participated. The **New South Wales Aboriginal Land Council** advised the EMRIP to host an expert forum to discuss the increasing criminalization of indigenous people with a disability. The **Inuit Circumpolar Council** asked the EMRIP study to also focus on traditional food systems. **Organisation des Nations Autochtones de Guyane** expressed its concerns regarding the creation of a council by the French State that is supposed to represent indigenous peoples in French Guiana, but seems instead to be a way to control them. **Mujeres Indígenas Unidas por la biodiversidad** urged Panama to ratify ILO Convention n°169. The **Coordinating Council of the Waorani Nationality of Ecuador-Pastaza** asked the EMRIP to conduct an investigation on the human rights violations that Waorani People are suffering in Ecuador. The **Tronco Vejo Pankaruru Organization** recommended that Brazil engage with the EMRIP and indigenous peoples in order to discuss their rights to the land. **Maloca International** denounced the massacre of indigenous peoples perpetrated by paramilitaries and urged the UN to stop them. The **Mejlis of the Crimean Tatar People** spoke out about the human rights violations faced by Crimean Tatar people by the Russian Federation. The **Cordillera Peoples' Alliance** asked the EMRIP to support its call for conducting an investigation of the human rights violations against indigenous peoples in the Philippines. The **Indigenous Persons with Disabilities Global Network** suggested that EMRIP conducts a study on indigenous peoples with disabilities.

**An other organization** took the floor. **The LEUPHANA University** asked states to respect the dignity and the autonomy of indigenous peoples.

- Country engagement

**Ms. Laila Vaars, member of the EMRIP**, introduced the session by explaining to the audience this part of the EMRIP's mandate, whose purpose includes: analysis of domestic legislation or policies; facilitation of dialogue between the requester(s) and other stakeholders; independent observation of and advice on the implementations of laws and policies to implement the UNDRIP; capacity-building for requester(s) and other stakeholders. She then talked about this year country engagement which was undertaken in New Zealand at the Aotearoa Independent Monitoring Mechanism's request. The aim was to provide advice to support the drafting of a National Action Plan in collaboration with Māori people. Finally, she said that the visit of the EMRIP to Finland last year was also going to be discussed. **Ms. Margaret Mutu, Representative of the Aotearoa Independent Monitoring Mechanism**, reported the main items discussed on the EMRIP's visit in New Zealand. The first point was to advise them on how to develop a National Action Plan to achieve the aim of the UNDRIP, including the right to self-determination as a cross-cutting right. The second point was to focus on how Māori people will partner in the process of creating a Strategy or a National Action Plan on self-determination. She also underlined the fact that Māori people are well aware of the issues they are facing and are keen to lead a process towards the implementation of their rights. **The representative of New Zealand** expressed her gratitude for the EMRIP visit in the country. In addition, she reiterated the government's wish to continue working with the EMRIP. **Mr. Hemi Pirihi, Head of the New Zealand Human Rights Commission**, explained that New Zealand has initiated a process to appoint a Māori working group to provide advice for the National Action Plan. He also underlined that Māori people are glad to see that New Zealand recognizes their right to self-determination. **Mr. Tuomas Aslak Juuso, Finnish Sámi Parliament Member**, spoke about the EMRIP's visit in Finland. The main concern of the Finnish Sámi Parliament was to know who has the right to vote in their elections. The Government of Finland accepted people without the consent of Sámi people. The case was therefore sent to the UN Human Rights Committee by the Finnish Sámi Parliament. Nevertheless, the case was dismissed by the Supreme Court. The Government furthermore decided to maintain the elections. For this reason the Finnish Sámi Parliament has the feeling that Finland is not showing enough commitment to deal with this issue. **Ms. Terhi Hakala, Ambassador of Finland**, spoke about the visit of the members of EMRIP in Finland. She underlined that the decision of the Human Rights Committee was not questioned by the Supreme Court. She finally encouraged countries to engage with indigenous peoples. **The representative of Finland** introduced the draft proposal that was sent to relevant offices for reply. This includes the recognition of the use of Sámi languages and the use of the EMRIP country advice. She also explained that the Human Rights Committee accused Finland of violating the International Covenant on Civil and Political Rights, and urged them to review their stand because of this judgment. Nevertheless, Finland cannot amend without postponing the elections, and that is not an option due to the time factor. Therefore, the Supreme Court rejected the two applications for annulment from the Finnish Sámi Parliament.

**Ms. Kristen Carpenter, member of the EMRIP**, expressed her satisfaction towards the two examples of country engagement's cases in Finland and New Zealand with their respective indigenous communities.

**Ms. Erika Yamada, member of the EMRIP**, asked the panelists on how EMRIP could improve the process of country engagement.

**The panelists** answered the questions. **Ms. Margaret Mutu** explained how the new Prime Minister's Government is keen to work with Māori people. The Aotearoa Independent Monitoring Mechanism has been monitoring the New Zealand Government with the implementation of the UNDRIP for several years now. So they developed efforts at home before engaging with the EMRIP for technical assistance. **Mr. Hemi Pirihī** explained that their major challenge they had in relation to the EMRIP's visit was that they only had a short time to prepare the mission and too many people wanted to come. They were not able to reach the rural areas, and that caused frustration. Nevertheless, the visit was important. **Mr. Tuomas Aslak Juuso** explained that indigenous peoples should be specific in their requests as to exactly what they will need to help with. He also pointed out that there is a need to have an understanding as to what happens when the EMRIP's visit is finished. **Ms. Terhi Hakala** highlighted the importance of having a discussion with indigenous peoples in order to improve the policies and laws. **The representative of New Zealand** has been demonstrating the importance of having the EMRIP's visit.

**Indigenous organizations** also took the floor. The **Coalition for the Human Rights of Indigenous Peoples** expressed its concerns about Canada's misrepresentations of FPIC. The **Cordillera Peoples Alliance** denounced the military presence in the Philippines, which is negatively affecting indigenous peoples and asked for the EMRIP to conduct a country engagement. The **Moana House** pointed out the discrimination against Māori people, which results in a high percentage of them being incarcerated. **Adivasi Ekta Parishad** said that the Indian government is denying the existence and the rights of Adivasi people in its Constitution. The **Adivasi Sahitya Academy** spoke about the challenges faced by indigenous peoples in India, such as land grabbing, displacement, lack of integration, etc. **Consejo de Ancianos Rapa Nui** invited the EMRIP to conduct an official visit to Easter Island in order to help them to access self-determination. **Te Taiharuru** urged the New Zealand Government to seriously consider and implement the detailed recommendations provided by the EMRIP in the advisory note. The **International Indian Treaty Council** explained how Yaqui people have been exchanging with the Swedish Government in order to repatriate the Maaso Kova, a sacred cultural item, back to the community. The **Sámi Parliament in Sweden** expressed its support towards Yaqui People and explained its own experience; Sámi human remains were removed from their burial after an archaeological excavation in the 1950's, but will finally be returned this year. **Congrès Mondial Amazigh** talked about the forced assimilation that Amazigh people have suffered. **Coordenação das Organizações Indígenas da Amazônia Brasileira, Federação dos Povos Indígenas e Organizações do Pará** and **Articulação dos Povos Indígenas do Brasil** denounced the measures taken by the Brazilian President to repress indigenous peoples in the Amazon. **Association ACAL – AZUL** spoke about the oppression by the Moroccan state on Amazigh people. **Maison de l'Enfant et de la Femme pygmées** spoke about the alarming disappearance of the Yaka language that is spoken by the BaAka people. **Ka Kuxtal Much Meyas** pointed out the negative effects of agribusinesses on indigenous communities in Mexico. **Bangladesh Indigenous Peoples Forum** urged the EMRIP to provide technical advice on how the government can take the initiative to constitutionally recognize indigenous peoples in Bangladesh. The **Finnish Sámi Youth Organization** denounced the fact that Finland still does not respect the right to self-determination of Sámi people. **Organisation des Nations Autochtones de Guyane Française** explained how the project "Montagne d'or" has been withdrawn; nevertheless the French state has not yet confirmed the closure of industrial mines. The **Interregional public movement of Komi-Izhentsy Izvatas** reported about how indigenous lands in Russia have been polluted, and how this affects their health. The

**Khmer Kampuchea Krom Federation** invited the EMRIP to Vietnam to examine their situation and to explore future actions to protect fundamental freedoms enshrined in the UNDRIP.

**A non-indigenous organization** expressed its views. **Témoins au bout du monde** warned the states about the conditions in which indigenous peoples are living.

*Wednesday 17 July*

- Panel discussion on Indigenous Women in Power

**Ms. Megan Davis, member of the EMRIP**, welcomed and introduced the indigenous women in the panel. She also highlighted the importance of presenting this topic. **Ms. Carolyn Rodrigues Birkett, Former Minister of Foreign Affairs in the Republic of Guyana and Parliamentarian**, said that indigenous peoples, especially indigenous women, should be involved into politics in order to more easily help their communities. She then explained the challenge she faced: on the one hand, she served the President and on the other, she had a responsibility towards indigenous people; therefore, she said, trust had to be built in both ways. **H.E. Ethel Blondin Andrew, Former Member of the Parliament in Canada**, explained how politics made her more powerful, even though she grew up in a patriarchal society. She recommended the audience to be fearless, to take risks, but also to be humble by never forgetting the people who voted for them. **Ms. Jannie Lasimbang, Assistant Minister at the Ministry of Law and Native Affairs in Malaysia**, explained how her work with indigenous communities gave her strong first-hand accounts on indigenous peoples. She then vividly encouraged indigenous women to participate into politics despite critics. **Ms. Sara Olsvig, Former Vice Premier and Minister of Social Affairs, Families, Gender equality and justice in the Government of Greenland**, spoke about the challenges for indigenous peoples in her country such as alcohol abuse, suicide and sexual abuse of children. She therefore, during her mandate, insisted on the necessity of protecting children, since they are the future generation. **Ms. Zakiyatou Oualett Halatine, Former Minister of Tuareg Tourism and Craft Industry in Mali**, talked about her motivation to enter politics; that it was her wish to be useful to society in general and to resolve community problems, especially those of indigenous communities. She added that the country should strengthen the activities in indigenous regions. **Ms. Joenia Batista de Carvalho, President of the National Commission for the Defense of the Rights of Indigenous Peoples in Brazil**, told the audience that her motivation was to speak for indigenous peoples, especially indigenous women. She was, moreover, the first indigenous person to become a lawyer in the country, but also the first indigenous representative to be involved into politics. She pointed out, however, that the number of women in the Parliament represents a very small percentage. **Ms. Anna Otke, Member of the Federation Council Committee on Social Policy in Russia**, said that gender equality is a priority for the Russian Government and explained that few women are in politics because of the lack of access to education for some of them. She also talked about the enhancements made in the Russian Federation concerning indigenous peoples' rights. Finally, she encouraged indigenous peoples to participate to the OHCHR training on indigenous peoples' rights.

**A few states** asked questions of the panelists. **Canada** asked the panelists which recommendations would they make to the UN in addressing violence targeted at indigenous women. **Denmark** said that ensuring gender equality is a key measure in order to empower indigenous women. **Brazil** assured that measures are being taken to protect human rights defenders and indigenous peoples. **The Russian Federation** asked the panelists about how could female politicians be promoted and how women could be involved

in the process of preventing different forms of violence. **The European Union** questioned them on what are the best practices that indigenous peoples' representatives can have in order to impact the national decision making process that affects them. **The Plurinational State of Bolivia** pointed out that gender violence is still increasing and that it requires a collective action. **Australia** questioned the panelists on how can states support leadership journeys of indigenous women in political life and policy making.

**Indigenous organizations** also reacted to the panelists' discussion. The **National Indigenous Disabled Women Association in Nepal** pointed out the discrimination faced by indigenous women with disabilities, and questioned the panelists about what could be done to include all the underrepresented groups in the whole indigenous women discourse, in order for them to become as powerful as the rest. The **New South Wales Aboriginal Land Council** asked the panelists about the effective, culturally relevant national strategies that states can implement to remove the barriers experienced by indigenous women seeking to participate in politics. **A representative of the Pataxó Ha-Ha-Ha people** asked how Ms. Joenia Batista de Carvalho has contributed to the reduction of environmental issues in Brazil. **The Hutukara Yanomami Associação** expressed its gratitude to the work of Ms. Joenia Batista de Carvalho. **Articulación de Mujeres Indígenas de Paraguay** questioned the panelists on how they have influenced their legislation to promote positive inclusion and participation of women in position of power. The **Bangladesh Indigenous Women's Network** encouraged Bangladesh to give indigenous women the opportunity to be involved in the Parliament and local government. **Communauté des Potiers du Rwanda** explained that no indigenous Batwa woman is in politics.

**Several members of the EMRIP** reacted to the discussions that took place. **Ms. Kristen Carpenter** thanked the panelists for their presence and underlined that indigenous women bring balance to society in national and international bodies. **Ms. Erika Yamada**, in addition to the EMRIP's thematic studies, asked how the EMRIP can mutually reinforce its work and how the EMRIP can contribute to the panelists' mandate, particularly in implementing the UNDRIP. **Ms. Laila Vars** asked if the panelists' expertise could be used in the EMRIP's future studies, especially for the study on traditional lands' rights. **Mr. Rodion Sulyandziga** asked Ms. Anna Otke how she will convince the Russian Federation to support the UNDRIP, since it is one of the last countries that has not recognized the Declaration. **Mr. Belkacem Lounes** asked the panelists if they believe that their cases are an exception among their community.

**The panelists** responded to the questions that were asked. **H.E. Ethel Blondin Andrew** explained that the first step is to review the laws to see what has already been implemented. She also highlighted that even though measures were taken to help disabled indigenous people, it is still a thematic that should be improved. **Ms. Sara Olsvig** said that political institutions are not in favor of women's presence, especially for mothers. Therefore it is a necessity for her to work in favor of their rights, in particular by instilling this idea in children, as the future generation. **Ms. Jannie Lasimbang** expressed the importance of instituting gender equality in laws. She also said that the lack of indigenous women in high positions, even in their own communities, should be addressed. **Ms. Anna Otke** said that female politicians should promote awareness of their work. She also added that Russian experts took part in the development of the Declaration even though the Russian Federation voted against it. **Ms. Zakiyatou Oualett Halatine** pointed out that it is crucial to promote the participation of indigenous women in politics at the national and international level. **Ms. Joenia Batista de Carvalho** explained that the UNDRIP is neither well-known nor respected. She added that indigenous peoples have a common concern, which is the protection of their

lands. They need to help one another and share valuable information. She also recommended that states support and help indigenous women to access public offices and to have a financial autonomy.

- United Nations Declaration on the Rights of Indigenous Peoples, including Study on Recognition, reparation and reconciliation

**Ms. Erika Yamada, member of the EMRIP**, talked about the EMRIP's report AHRC EMRIP/2019/3 that will be presented to the HRC in the 24<sup>th</sup> session in September. She explained that this aspect of their mandate requires that they identify, disseminate, and promote best practices and lessons learned when it comes to the efforts made to carry out the aims of the Declaration.

**A few states** made a statement. **Brazil** expressed its disagreement with the fact that the report said that indigenous peoples' rights are under threat in the country. **Mexico** repeated the importance of the UN-DRIP. **Malaysia** expressed its will to ensure the respect of indigenous peoples' rights. **Australia** reiterated its commitment to improve aboriginal peoples' rights. **New Zealand** expressed its wish to continue working with Māori people. **Bolivia** explained its will to have a discussion with indigenous peoples on matters that concern them.

Numerous **indigenous organizations** took the floor. The **Naga Peoples for Human Rights** urged the EMRIP to hold states accountable for their failures to uphold and implement the various agreements and accords that were made with indigenous peoples. The **New South Wales Aboriginal Land Council** encouraged states to implement national awareness raising initiatives that adequately explain the basis for the full implementation of indigenous rights. **Organisation des Nations Autochtones de Guyane (ONAG)** suggested that the EMRIP adds the case of French Guiana to its study on reconciliation, and that the French Government solicits the EMRIP expert in order to implement a National Action Plan. The **Mejlis of the Crimean Tatar People** asked the EMRIP to include in its study the situation of Crimean Tatar People in Ukraine. **Maloca International** demanded that Mexico declares the Wirikuta site a protected area. **Global Caucus** recommended the creation of a map to document the violations that have occurred to indigenous peoples in the world, without which the process of reconciliation is not conceivable. **Hutukara Associação Yanomami** pointed out the urgency for Brazil to respect indigenous peoples' rights. The **Kgalagadi Youth and Women's Development Network** pointed out the case of the Mboro pastoralists from Cameroon, who have been caught in the middle of an ongoing war, and thus are the victims of human rights violations. **Assemblée des Arméniens d'Arménie Occidentale** spoke about the genocide of the Armenians. **Grand Traverse Band of Ottawa and Chippewa Indians** denounced the fact that the US has never fulfilled the Treaty of Detroit signed in 1855, which promised 87,000 acres of land as a permanent home to the Chippewa Indians. The **Collective Efforts for Voluntary Action** pointed out the lack of property rights that women are suffering from in the Western Himalayas. **Association pour le développement, la protection de l'environnement au Nord du Mali** advised states to disarm and surround the armed men who are killing indigenous peoples in Mali as soon as possible. The **Aotearoa Independent Monitoring Mechanism** recommended that New Zealand return lands to Māori people and stop the state removal of Māori children from their parents. **Unión de Mujeres Aymaras del Abya Yala – UMA** recommended that Peru include indigenous peoples at all three levels of the government. **Consejo Coordinador Nacional Indígena Salvadoreño – CCNIS** urged El Salvador to ratify ILO Convention n° 169. The **Shimin Gaikou Centre** called upon the EMRIP to provide assistance to the Government of Japan in order to ensure the full participation of Ainu people in decision making. The **Ryukyu People** urged the EMRIP to

recommend that Japan recognizes Ryukyu People as its indigenous peoples. The **Marsabit Women Advocacy and Development Organization** urged Kenya to stop the ongoing discrimination against Wayyu people. The **Cambodia Indigenous Youth Association** urged the EMRIP and the Special Rapporteur to call upon the Government of Cambodia to accelerate the procedure of the collective land registration for indigenous peoples. The **Masinya Dairy Ltd.** suggested that states empower indigenous women economically and socially. **Comunidad San Francisco de Cajas** advised Ecuador to accept the recommendations made by the UPR. **Cabildo Indígena de la Santísima Trinidad-Bolivia** called upon the UN to reject the construction of a road in the TIPNIS, as it will destroy one of the largest natural reserves. **Gobierno territorial indígena AMASAU comunidad Awastingni** requested Nicaragua to engage with indigenous leaders in order to guarantee juridical protection regarding their right to lands. **Foro Penal – Red de defensores indígenas del estado Amazonas** called upon Venezuela to follow the recommendations of the OHCHR. The **Indigenous World Association** expressed its concerns that Bill C-262 “The United Nations Declaration on the Rights of Indigenous Peoples Act” is being obstructed. The **Interregional Public Movement of Komizhentsy-Izvatras** asked the Russian Federation to resolve the problem with waste in the indigenous territories. **Red de Juventud Indígena de Brasil** urged Brazil to respect indigenous peoples’ rights to land and territories, and that states promote the participation of indigenous youth in the UN conferences. **Congrès Mondial Amazigh** spoke about the increasing criminalization of Amazigh people. **Pueblo Wichi – Radio Comunitaria La Voz Indígena** urged Argentina to respect the rights of indigenous women. The **National Native American Boarding School Healing Coalition** requested that the EMRIP addresses the long-term impacts and lack of a recovery plan regarding boarding schools in the US and that it engages with the UN Working Group on Involuntary Disappearances on its filing. **CONAMI-CONAMICH** urged Argentina to recognize the massacre of indigenous peoples that has occurred during the past years. **RAIPON** requested that the Russian Federation guarantee indigenous peoples rights. **ACAL – AZUL**, explained how lands have been stolen from Amazigh people by the Moroccan government. **Conseil Coutumier Djubea Kapume** urged France to eradicate the prejudice and discrimination against Kanak people in New Caledonia. The **Sámi Parliament of Norway** spoke about the creation of a Truth and Reconciliation Commission in Norway, whose goal would be to rebuild trust between the Sámi people and the government; she encouraged Sweden and Finland to do the same. The **New Zealand Human Rights Commission** welcomed the EMRIP’s study and will use and promote it in its work. The **National Centre for Truth Reconciliation** recommended that the EMRIP consider direct follow-up with the Government of Canada to urge the preservation of records on residential schools, as a Supreme Court of Canada decision has been issued to destroy them by 2027. **Organisation IZERFAN** spoke about the destruction of the Amazigh territories. **Association DERWAN du Burkina Faso** expressed its concerns about the violence perpetrated against indigenous peoples and the precarious conditions they are living in. **The Youth Elders Council** suggested that the EMRIP continue to encourage states to take effective measures to implement Articles 5 and 8 of the UNDRIP. **Consejo de Ancianos Rapa Nuí** recommended that Chile recognizes the territorial rights of the Rapa Nuí people. **Articulação de Mulheres Indígenas do Céara** denounced the massacres of indigenous peoples in Brazil by mining companies such as Vale or POSCO. **Pataxó Ha-Ha-Ha People** also reported the pollution by mining companies of the lands of the Pataxó people in Brazil. **Congrès Populaire Coutumier Kanak** said that without the full implementation of the UNDRIP by states, reconciliation cannot happen. **ADJ MOR** recommended the inclusion of indigenous peoples in humanitarian aid programmes. **Consejo Indio de Sud América** said that the UNDRIP is a non-binding declaration. **Cabildo Mayor del Pueblo Inga de Aponte Colombia** denounced the human rights violations happening in Colombia, especially by mining companies. **Conselho Indigenista Missionario** noted with regret what the

Brazil delegation said, as many indigenous peoples are the victims of human rights violations in the country. **Tuvalu Association of Non-governmental organizations** advised the EMRIP to request the HCR and the IOM to focus on the vulnerability of indigenous peoples in the Pacific region due to the effects of climate change. **PDP Shirika La Bambuti** invited the Special Rapporteur to conduct a country visit to the Pygmy people in RDC. The **Porgera Red Wara Women's Association** denounced the violence that indigenous women are suffering from in Papua New Guinea and suggested that the government creates a National Human Rights Institute.

The **Leuphana University** exposed the difficulty of fully implementing a bilingual education.

**Ms. Megan Davis, member of the EMRIP**, made comments on what has been said about Australia. She explained that the reconciliation process started in 2011 and that a working group was created. For example, they issued "the Uluru Statement from the Heart"<sup>1</sup> in order to explain the constitutional recognition to the Australian people.

*Thursday 18 July*

- [Dialogue with the Special Rapporteur on the rights of indigenous peoples, the Chair of the Permanent Forum on Indigenous Issues, the Chair of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples and members of human rights treaty bodies](#)

**Mr. Rodion Sulyandziga, member of the EMRIP**, opened the session by explaining the purpose of this dialogue, which is to contribute to the joint understanding and awareness of the panelists' work. **Ms. Victoria Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples**, spoke about three issues that are reflected in the UNDRIP for indigenous peoples and should be discussed and improved, which are: the question of recognition, remedy and reconciliation, the indigenous justice systems and the right of indigenous peoples to self-determination. **Ms. Anne Nuorgam, Chair of the Permanent Forum**, mentioned the different actions that the Permanent Forum takes to ensure the implementation of the UNDRIP such as to produce reports and publications, to participate to meetings and also to support member states to develop National Actions Plans. **Ms. Myrna Cunningham, Chair of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Peoples**, repeated the importance of giving funds to the Voluntary Fund as it has made possible the participation of numerous indigenous delegates to UN mechanisms and therefore she encouraged states to start or to continue to do so. **Ms. Gladys Acosta Varga, Member of the Working Group of the CEDAW**, expressed the necessity of respecting indigenous women's rights by taking into consideration their experiences in their communities and by recognizing their knowledge. **Ms. Ilze Brands Kehris, Rapporteur of the Human Rights Committee**, cited seven countries in its annual report (Angola, Belize, Guinea, Lao, Vietnam, Liberia and El Salvador) where difficulties about indigenous peoples have been observed with reference to the recognition of their status within the legal framework, discrimination and land rights.

**Few states** reacted. **The Russian Federation** called upon the EMRIP to reject the accusations of the Crimean Tatars. **Perú** expressed its support of indigenous peoples in the country. **The European Union**

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<sup>1</sup>[Uluru Statement from the Heart](#)

shared with the audience two guidelines prepared by them on non-discrimination in external action and on safe drinking water and sanitation.

**Indigenous organizations** also took the floor. **Ligue Nationale des Associations Autochtones Pygmées du Congo (LINAPYCO)** spoke about the violence happening between Bantu and Batwa people in Congo and recommended the EMRIP to investigate. **Pueblo Wíchí – Radio Comunitaria La Voz Indígena** and **Mujeres indígenas unidas por la biodiversidad de Panamá** urged Panama to ratify ILO Convention n° 169. **Asociación de Kunas Unidos por Napwana Panamá**; **Asociación de municipalidades con Alcalde Mapuche Chile** suggested that Panama and Chile have a discussion with indigenous peoples on how to fully implement the Declaration. **Universidad Nacional de Salta** pointed out the evictions of indigenous women occurring in Argentina, which negatively affects their health. **Consejo Regional Indígena del Tolima – CRIT** accused the Colombian Government of implementing extractive projects on indigenous territories without the consent of indigenous peoples. The **Shimin Gaikou Centre** urged the EMRIP to recommend that Japan recognizes Ryukyu people as its indigenous peoples. **OHCHR Indigenous Fellows** expressed their gratitude for having participated to the OHCHR training. The **Native Women’s association of Canada** asked the EMRIP to begin a research on genocide due to what is happening to indigenous women in Canada. **Russian Speaking OHCHR Indigenous Fellows** advised the EMRIP to have more documents and events translated into Russian as it is one of the official languages. The **Mejlis Crimean Tatar Resource Center** denounced the genocide of Crimean Tatars and asked the Russian Federation to recognize them as indigenous peoples. The **AIPP, Asia Caucus** denounced the lack of recognition of indigenous rights and the non-respect of their right to FPIC. The **Bangladesh Indigenous women’s network** urged Bangladesh to end all kinds of violence against indigenous women and girls. **ARETEDE** asked Argentina to urgently guarantee territories to indigenous peoples. **Geneva International Centre for Justice** asked Canada and the US that reparation for indigenous peoples and recognition of their rights be guaranteed, even with a change of regime. **Geneva for Human Rights** welcomed the HRC 42<sup>th</sup> and 45<sup>th</sup> sessions with their studies and half day panels on languages and human rights defenders’ protection. The **Indigenous Peoples organization Australia** suggested that the EMRIP build on its report by undertaking a two-year study on treaties about how nation to nation agreements can help the progress of the UNDRIP.

- Future work of the Expert Mechanism, including focus of future thematic studies

**Mr. Belkacem Lounes, member of the EMRIP**, explained to the audience that the future EMRIP study will deal with the right to land; this topic was chosen due to the requests made by indigenous peoples and with the idea that it will be a suitable complement to the study on FPIC. He added that the EMRIP will hold a seminar in Pretoria in October in partnership with the Pretoria University and the OHCHR in order to document the future study.

**Guatemala (on behalf of Canada, Australia, Denmark, Greenland, Mexico, New Zealand and Finland)** encouraged the EMRIP to continue holding regional indigenous caucus during the future sessions.

**Indigenous organizations** also took the floor. **AIPP** said that the appointment of the indigenous experts from the Asia region to the Permanent Forum by the President of the ECOSOC is problematic as it is not a decision made by indigenous peoples. The **United Nations Association of Australia Queensland Division** suggested that the EMRIP consider climate change as a future thematic study. The **New South Wales Aboriginal Land Council** asked the Special Rapporteur to add the case of indigenous peoples in her work

on the “Right to Adequate Housing”. The **Union of Traditional Craftsmen of the Indigenous Peoples of Khanty Masygsk Autonomous Okrug-Yugra** expressed its concerns about insecurity regarding the cultural heritage. **RAIPON** underlined the importance for states to respect the UNDRIP. **GTI AMASAU** asked the EMRIP to conduct a study on the agrarian conflicts and the illegal occupation of indigenous lands by third party agents. The **Global Indigenous Youth Caucus** denounced forced child removal which is still happening among indigenous communities. **CLACPI** suggested that the EMRIP conducts a session on indigenous ways to communicate their culture, through radio for example. **Maari Ma Health Aboriginal Corporation** reported the pollution of waters and urged states to respect indigenous peoples’ rights to health. **The Kalinago People of Dominica** asked the EMRIP to consider a mission in Dominica in order to provide it capacity towards the implementation of the UNDRIP and ILO Convention n°169. **AIM-West** urged the EMRIP and other UN agencies to support indigenous peoples and others to stop the Keystone XL pipeline project. The **Papua New Guinea Mining Watch Group Association Inc.** urged Papua New Guinea to respect the UNDRIP. The **International Indian Treaty Council** and the **US Human Rights Network** recommended that the EMRIP conducts a study on missing and murdered indigenous women. The **Edfu Foundation Inc.** suggested that the EMRIP adds to its study on recognition, reparation and reconciliation the elements concerning the indigenous Africans displaced due to the forced migration and kidnapping. **Guam** advised the EMRIP to conduct a study on indigenous peoples living in decolonizing territories such as Guam. **Iuventum** recommended that the EMRIP conduct a study on the boundaries of the commercialization of the natural resources. The **Climate change and Development Authority** suggested that the EMRIP examine the implication of the rising sea-levels and loss of land boundaries as a result of climate change. **Retracing our Own Traditions** asked the EMRIP to request that UNCLOS include the respect of the rights of indigenous peoples as a principle in the development of the new treaty protecting biodiversity beyond national jurisdictions (BBNJ). **Fundación Paso a Paso** and the **Indigenous Person with Disabilities Global Network** recommended that the EMRIP conducts a study on indigenous persons with disabilities. **Enlace Continental de Mujeres Indígenas de las Americas Region Mexico** suggested that the EMRIP consider writing a study on all forms of violence against indigenous women. **Consejo Coordinador Nacional Indígena Salvadoreño** highlighted the essential role of lands for indigenous peoples and urged states to protect these lands. **WINTA** proposed that the EMRIP initiates an international study on human rights violations impacting indigenous peoples in the field of international tourism. The **Indigenous Peoples and Nations Coalition** called upon the EMRIP to conduct a study on apartheid and other grave crimes committed by the US on indigenous peoples. The **Indigenous Peoples Organization – Australia** recommended that the EMRIP undertake an audit on indigenous land rights legislation. The **Mejlis of the Crimean Tatar People** asked the EMRIP to include in its study the situation of Crimean Tatar People in occupied territories. **Congrès Mondial Amazigh requested that** the EMRIP adds information on the protection and criminalization of the indigenous peoples’ defenders in its future studies.

- Proposals to be submitted to the Human Rights Council for its consideration and approval

**Ms. Kristen Carpenter, Chair of the EMRIP**, introduced the session to the audience and explained that it is a process that the EMRIP goes through in September when its annual report is presented to the HRC.

A few indigenous organizations took the floor. The **United Nations Association of Australia – Qld Division** asked the HRC to conduct a study on the impacts of climate change on the Torres Strait Islands. **Association culturelle Adhrar Ath Koudhea Kabylie** suggested that the HRC conduct a study on the federal-

ism of management. The **Indigenous World Associations** recommended that the HRC establish an observer status or a distinct status for indigenous peoples' institutions. The **Crimean Tatar Resource Center** recommended that the HRC conducts ongoing reviews of the human rights situation in Crimea.

**Témoins au bout du monde** advised states to respect the rights of indigenous women.

*Friday 19 July*

- Adoption of studies and reports

**Ms. Kristen Carpenter**, Chair of EMRIP, introduced the draft report and the proposals to be submitted to the HRC:

Proposal 1: Participation of indigenous peoples in the Human Rights Council

The EMRIP proposes that the HRC holds a technical workshop on modalities for enhanced participation of indigenous peoples in the Council.

Proposal 2: International Decade on Indigenous Languages

Proposal 3: Increased engagement of Member States and Coordination among Indigenous Peoples Mechanisms and Treaty Bodies with Expert Mechanism

Proposal 4: Promotion of the Expert Mechanism's country engagement mandate

Proposal 5: Protection of human rights defenders

Proposal 6: Reprisals against Human Rights Defenders, Mandate Holders, and Indigenous Leaders

Proposal 7: Global Compact for Safe, Orderly and Regular Migration

Proposal 8: International repatriation of indigenous peoples' sacred items and human remains

Proposal 9: National action plans and legislation to achieve the ends of the Declaration

Proposal 10: Contribution to the United Nations Voluntary Fund for Indigenous Peoples

Proposal 11: Collaboration with the universal periodic review processes

Proposal 12: Acknowledgement of the 30<sup>th</sup> anniversary of ILO Convention n° 169

Concluding statements were made by **the expert members**. **Ms. Erika Yamada** acknowledged the importance of the proposals submitted. She congratulated Ms. Kristen Carpenter for her work as new Chair and also thanked Mr. Edtami Mansayagan for his work. **Mr. Edtami Mansayagan** thanked the other members of the EMRIP, as it is his last session of the EMRIP. **Ms. Laila Vars** also thanked Mr. Edtami Mansayagan and the other expert members as, it might be her last session. **Ms. Kristen Carpenter** expressed her gratitude to the other expert members and all the indigenous delegates who attended this session. She announced that next year session will be held between the 8<sup>th</sup> and 13<sup>th</sup> of June 2020.

**An indigenous woman from the Pataxó people and an indigenous woman from the Anacé people from Brazil** performed a traditional song as a closing performance of the session.

### **3. Summaries of side-events**

*Tuesday 16 July*

- Towards Beijing +25: Eliminating all Forms of Violence Against Indigenous Women

Organized by: US Human Rights Network, National Indigenous Women's Resource Center, Kgalagadi Youth and Women's Development Network, National Native American Boarding School Healing Coalition, Coordinadora Nacional de Mujeres Indígenas

This event discussed the participation of indigenous women in Beijing +25. It will celebrate the 25 years since the Beijing Platform for Action, which set out how to remove the systemic barriers that hold women back from equal participation in all areas of their life. The panelists talked about the issues that women are facing in their respective communities. Despite some progress, real change has been difficult to reach for the majority of girls and women in the world. They are still the victims of sexual violence, murder, disappearance, lack of access to education. However in their healing process they have decided to stop feeling ashamed of being the victims and to continue supporting organizations which defend their rights.

- Environmental Destruction in Indigenous Territories: Impacts, Adequate Remedies and the Role of Indigenous Women in Defining Appropriate Community Strategies

Organized by: International Committee for the Indigenous Peoples of the Americas and Society for Threatened Peoples

The objective of this side-event was to expose the environmental destruction in indigenous territories in Argentina and Brazil by mining and oil companies such as Vale. The destruction of their lands and the pollution of the water has a dramatic impact on their health. Therefore, numerous indigenous leaders, among them women, have started to defend their case at a national level and are now receiving death threats or are the victims of other violations of their rights. The questions raised from the floor underlined the necessity to protect and recognize their rights by closing these companies' activities.

- Indigenous Youth and the Declaration: Challenges and Opportunities for a better future

Organized by: New South Wales Aboriginal Land Council

This panel discussion highlighted the relevance of the UNDRIP for Indigenous Youth in Australia. The panelists shared their life experiences and underlined practical ways the Declaration can be used to positively impact the lives of indigenous youth. The issues raised were health issues, lack of access to education, lack of access to healthy food or the impossibility of accessing aboriginal studies. Thus, they have been developing programmes in order to cope these issues through the revitalization of their traditions by, for example, teaching and learning indigenous languages or by using arts. They also encouraged the indigenous youth to engage in the political decision making process in order to express their needs.

- The UN Voluntary Fund for Indigenous Peoples and its role in ensuring effective participation of indigenous peoples in UN processes and its impact at country/community level

Organized by: United Nations Voluntary Fund for Indigenous Peoples

The purpose of this event was to introduce the UN Voluntary Fund for Indigenous Peoples. Since its creation in 1985 more than 2000 grantees have been funded. Its primary goal was to enable indigenous delegates to take part in the Working Group on Indigenous Peoples, but in 2015 its mandate was expanded

to support the representatives of indigenous peoples' organizations and institutions to participate to relevant UN bodies. The Fund is administrated by a Board of Trustees, whose mandate is to advise the Secretary-General on the use of funds through the OHCHR. Moreover, governments, NGO's and other private or public entities can contribute to its financing.

- The Right of Indigenous Peoples: A Democratic Republic of Congo Case Study

Organized by: Réseau Autochtones Pygmées et Accompagnants en République Démocratique du Congo, The Inspection Panel of the World Bank

This side-event drew attention to the work of the Inspection Panel, which is an independent complaints mechanism for people and communities who believe that they have been adversely affected by the World Bank. In this case it was the Pygmy people from the Democratic Republic of Congo who filed a complaint. In 2005, the World Bank financed a forestry project that tried to reinforce social ties, but this process this was done without respect for the right for FPIC of indigenous peoples in the region. However in 2013, the World Bank recognized indigenous peoples' rights.

- Normative frameworks for language protection, support and promotion: latest developments at the national and international level

Organized by: UNESCO, Steering Committee of the International Year of Indigenous Languages

In relation to the International Year of Indigenous Languages, this event presented the normative frameworks for language protection, support and promotion. As explained, the countries' report demonstrated the issues regarding indigenous languages and the solutions that have been suggested to states to face these challenges. Among the examples given were Canada's "Bill C-91: An Act respecting Indigenous languages" that showed how signing a treaty can be a way for indigenous peoples to reconcile with states, or the development of a bilingual system for the promotion of the Khomi language in the Russian Federation.

*Wednesday 17 July*

- Recognition of the Traditional Nature of Indigenous Territory Opportunities and Risks in the Litigation of the Xokleng Case before the Brazilian Supreme Court

Organized by: Conselho Indígenista Missionário

This side-event aimed to provide information on the Xokleng case in Brazil. Historically, since its colonial era, the Brazilian legal system has recognized indigenous peoples' rights; however during the last decade the Brazilian Federal Supreme Court applied a restrictive and controversial interpretation, known as the temporal framework. This theory guarantees the right to a territory if the inhabitants were there on October 5, 1998. This is problematic as it violates the Article 231 of the Brazilian Constitution which establishes the original rights of indigenous peoples. Thus, with regard to the Xokleng case, the Federal Supreme Court cannot change the demarcation of indigenous territories in the region of Santa Catarina, but the Brazilian Government does not respect this law and continues to discriminate and assault Xokleng people. The latter expressed their will to continue to resist the Government.

- Follow-up of the UPR and Treaty body Recommendations on Indigenous Peoples of the Great Lakes Region in Africa

Organized by: IPACC/DOCIP

The purpose of this event was to contextualize, engage with governments and UN human rights mechanisms, and start a discussion on indigenous peoples in the context of borders and the implementation of the recommendations within the scope of Article 36 of the UNDRIP for the Great Lake Region (between Rwanda, Uganda, Burundi, and the Democratic Republic of Congo). The context of recurring wars and political conflicts has made Pygmy and Batwa people vulnerable to violence, forced labor, rape, forced evictions, marginalization, and discrimination. What came out of the discussion is that even if some progress had been made in these countries, there is still room for improvement of implementation of the UNDRIP. The DRC, Rwanda and Burundi missions who were represented showed signs of good will towards making progress in their respective countries and agreed on the sub-regional approach and on cooperation with the EMRIP (to whom a country engagement request was sent for DRC).

- Indigenous food systems and climate change

Organized by: Food and Agriculture Organization of the United Nations – FAO

The main objective of this side-event was to inform and build awareness on indigenous peoples food systems. Although they only represent 5% of the world population, over the centuries, they have adapted to different environments by establishing livelihoods in relation to the environment and by developing specialized resource management practices. Thus they are considered to be the custodians of 80% of the world's biodiversity and their foods systems are proven to be healthy and sustainable. Nevertheless, they are currently very vulnerable due to climate change, globalization and agribusinesses. This has placed them in great poverty and consequently the 2030 Agenda for Sustainable Development will not be attained if their situation is not improved.

- The OHCHR Indigenous Fellowship Programme and the launching of the 2020 Call for Applications

Organized by: OHCHR Indigenous Fellowship Programme

This side-event introduced the Indigenous Fellowship Programme, which is a human rights training programme which has been established by the OHCHR in the context of the International Decade of the World's Indigenous Peoples (1995-2004). Since 1997, 300 grantees have participated. The programme is accessible in French, English, Spanish and Russian. Moreover, for the duration of the training all the expenses of the fellows are covered.

- Linking Indigenous peoples to regional and rural development – project launch and discussion

Organized by: OECD

This event focused on linking indigenous peoples to regional and rural development. The Organization for Economic Co-operation and Development is an organization that works to build better policies in order to improve lives. Indigenous peoples, who tend to live in rural regions, earned 30% less than the others. This

is why countries like Australia and Canada have decided to work on a long term plan with indigenous peoples to improve their economic situation.

*Thursday 18 July*

- [The United States' Indian Boarding Schools Policy: Ongoing Impacts on Indigenous Children, Families, and Nations](#)

Organized by: Native American Boarding School Healing Coalition, Native American Rights Fund, International Indian Treaty Council

This side-event aimed attention at the American Indian boarding schools, where Native Americans children were sent from the late 19<sup>th</sup> century to the mid 20<sup>th</sup> century. The objective of these schools was assimilation. This was done through traumatic measures such as the theft of their indigenous identity (new name or number given), physical, emotional and, in some tragic cases, sexual abuse. Moreover, many children died from illnesses or under mysterious circumstances. The descendants of the survivors are now seeking justice, as without recognition the healing process cannot happen. However, it has been a long and difficult process as the US government is not helping them with gathering information.

- [The EMRIP country visit to Aotearoa/New Zealand, April 2019, reflections and lessons learned](#)

Organized by: Aotearoa Independent Monitoring Mechanism

This event discussed the country visit that the EMRIP took to Aotearoa/New Zealand in April 2019. The EMRIP experts explained what they provide during country visits: technical advice, an end of mission statement and a follow-up. For this case, the New Zealand Human Rights Commission facilitated meetings between the Government and the Māori people. Overall, all the parties were pleased with the visit and the EMRIP will try to meet as many stakeholders as possible for the next visits.

- [Language and Freedom: the role of languages in rights comprehension](#)

Organized by: Australian Permanent Mission, Australian National University

This event spoke about the importance of languages and the role they play regarding indigenous peoples' rights. They are at the center of their lives, however, as the International Year of Indigenous Languages has shown that they are endangered; therefore it is crucial to protect, promote and revitalize them. Examples were given to illustrate what happens when indigenous peoples can use their mother tongue. Indeed, some of them have worked on translating the UNDRIP or other documents for teaching their language at schools.

*Friday 19 July*

- [Initiatives from Asia: Recognition, reparations and reconciliation](#)

Organized by: AIPP, IWGIA, Tebtebba

This side-event was on the initiatives taken in Nagaland (State of India), Philippines and Bangladesh towards the process of recognition, reparations and reconciliation. Bangladesh signed the Chittagong Hill

Tract Council Act in 1999, and has implemented many articles, but not the main issues such as land rights or demilitarization of the indigenous territories. In the case of Nagaland, indigenous peoples had been fighting with the Indian Government to obtain their sovereignty for decades until the Naga Peace Process 2015 was signed. Finally, the Philippines' main issue was the access to regional autonomy. In the Mindanao region autonomy was reached thanks to the Bangsamoro people's struggle<sup>2</sup>. In the Cordillera region the Indigenous Peoples Rights Act was signed in 1997, which recognizes their rights to ancestral land, self-governance systems, FPIC and cultural integrity. Although positive measures were taken, there is still a lot to be done.

- Fostering Direct Indigenous Peoples Participation in the Mineral Extractive Sector in function of Ancestral traditions

Organized by: Indigenous mining equity foundation

The aim of the event was to present how indigenous peoples can directly participate in the mineral extractive sector. Over 13 million of indigenous peoples are engaged in informal mining. This sector causes social unrest and damages the environment, without indigenous peoples benefiting from it. The solution is for indigenous peoples to create their own environmentally friendly mining sector by using impact investing and resource efficient business models.

- Avances y perspectivas en la creación del INSTITUTO IBEROAMERICANO DE LENGUAS INDÍGENAS: camino para la revitalización de las lenguas indígenas

Organized by: Permanent Mission of Bolivia

With regard to the International Year of Indigenous Languages, this side-event's purpose was to introduce the audience to different manners to revitalize indigenous languages. Some of the propositions given were the creation of educational material in indigenous languages, use of video material, bilingual education and in the case of Bolivia the creation of an institute on indigenous languages. The latter's goals are to maintain the linguistic diversity and to strengthen this intergenerational transmission.

- A Community-Based Tool to Effectively Monitor Free, Prior and Informed Consent (FPIC) for Indigenous Peoples

Organized by: Equitable Origin

This event introduced the FPIC-360 Monitoring and Verification Tool. It is based on significant research and designed an improved means of monitoring and verifying project development compliance with the principles and requirements of FPIC. Its goals are to monitor and verify if and when FPIC has been achieved, to help indigenous peoples' communities to participate more effectively in decision-making, to provide guidance to project developers and to facilitate the ongoing monitoring of project compliance.

- Assessment of the EMRIP 12<sup>th</sup> session and perspectives

Organized by: Geneva for Human Rights

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<sup>2</sup> They are the Muslim people.

The goal of this event was to receive a feedback from indigenous peoples on the session. Overall, the audience expressed its disappointment towards the HRC session since they are skeptical that the participation criteria will change. They also would like to have the EMRIP visit their countries in order for them to engage more easily with their states. Finally, they were glad that the EMRIP held a panel on indigenous women.

- Recognition, Reparation and Reconciliation: The Australia Experience

Organized by: Foundation for Aboriginal and Islander Research Action

This side-event focused on the process of recognition, reparation and reconciliation between the Aboriginal people and the Australian Government. It started decades ago, and although Australia has recognized every pain that was endured to Aboriginal peoples, reconciliation is not an option for the latter. They are expecting reparation and want, for example, the return of their lands and their right to self-determination to be fully accepted. In order to do so, independent mechanisms need to be put in place and the Prime Minister must be concerned with the implementation of their rights.

- Medicina indígena a través de las fronteras

Organized by: Maloca International

This event aimed to present the use of indigenous medicine. In some communities indigenous peoples use traditional plants for their spiritual ceremonies and to treat ill people. Their environment plays a crucial role, but in some countries it is endangered by extractive companies. States should therefore protect these indigenous territories and their traditional plants.

#### ANNEX I – LIST OF ABBREVIATIONS

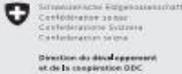
AIPP	Asia Indigenous Peoples Pact
CEDAW	Committee on the Elimination of Discrimination against Women
CLACPI	Coordinadora Latinoamericana de Cine y Comunicación Indígena
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
FPIC	Free, Prior and Informed Consent
HRC	Human Rights Council
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ILO	International Labor Organization
IOM	International Organization for Migration
OHCHR	Office for the High Commissioner for Human Rights
RAIPON	Russian Association of Indigenous Peoples in the North
TIPNIS	Territorio Indígena y Parque Nacional Isiboro Secure
UNCLOS	United Nations Convention on the Law of the Sea
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPFII	United Nations Permanent Forum on Indigenous Issues
UPR	Universal Periodic Review
WINTA	World Indigenous Tourism Alliance

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